

BEFORE THE
FEDERAL ELECTION COMMISSION

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COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 JUL 25 A 11:09

LESLIE BYRNE FOR CONGRESS)

v.)

ROBERT A. ROSENBERG, SCIENCE)
APPLICATIONS INTERNATIONAL)
CORPORATION & CONNOLLY FOR)
CONGRESS.)

MUR No. 6022

**SCIENCE APPLICATIONS INTERNATIONAL CORPORATION AND
ROBERT A. ROSENBERG'S RESPONSE TO COMPLAINT**

Science Applications International Corporation ("SAIC") and Robert A. Rosenberg (collectively the "SAIC Respondents") submit this Response to the above-styled Complaint (the "Complaint") filed with the Federal Election Commission ("FEC" or the "Commission") by Leslie Byrne for Congress ("Byrne").¹ The apparently politically-motivated allegations against the SAIC Respondents contained in the Complaint are without merit and are based entirely on an e-mail sent to SAIC's "restricted class," in full compliance with all Commission regulations. Indeed, Byrne's entire complaint is predicated on erroneous factual assumptions which are demonstrably untrue. As the claims of the Complaint have absolutely no basis in fact, and SAIC is in a position to provide the Commission with evidentiary proof to that effect, the Commission need not give this matter further investigation or action and the Complaint should be dismissed immediately. Moreover, because the allegations of the Byrne Complaint, verified under oath as being accurate by Byrne Treasurer Bruce Neilson, are so patently meritless on their face, the SAIC Respondents respectfully request an Order from the Commission obligating Byrne to reimburse the SAIC Respondents their attorneys' fees incurred in responding to the Complaint.

¹ The Complaint incorrectly identifies SAIC as "Scientific Applications International Corporation."

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I. INTRODUCTION

Relying on nothing more than assumptions without factual foundation, Byrne filed the present Complaint with the Commission alleging that the SAIC Respondents have violated the Federal Election Campaign Act of 1971 ("FECA" or the "Act"). Not coincidentally, the Complaint was filed less than a week before the Democratic Primary Election in the Eleventh Congressional District of Virginia -- an election in which Byrne's primary opponent was Gerry Connolly, a part-time SAIC employee whose Campaign Committee the Complaint also names as a respondent. From the complete lack of evidence proffered in support of the allegations against the SAIC Respondents, one can only conclude that Byrne filed this action against the SAIC Respondents -- and loudly announced the intention to do so in the media -- purely as a political ploy rather than as a means by which to redress an actual violation of the Act.

Even a cursory review of the allegations contained in the Complaint leads to this conclusion. The Complaint is based entirely on the assumption, grounded in nothing but pure speculation, that an e-mail sent by Mr. Rosenberg about a fundraising event being held by a national trade association for Mr. Connolly was sent to members outside of SAIC's "restricted class." (Complaint, p. 3.) The Complaint also alleges that this e-mail was "coercive" in some fashion, because the person sending the e-mail was Mr. Rosenberg. (Complaint, p. 2-3.)

As is demonstrated fully below, both claims are wholly without merit, as the e-mail in question was undeniably sent only to members of SAIC's "restricted class," and because there is no support for the allegation that the e-mail sent by Mr. Rosenberg, a semi-retired, part-time SAIC employee with no present managerial responsibility or authority to speak of, was "coercive." Consequently, there is no foundation upon which to initiate an investigation of SAIC

or Mr. Rosenberg and their activities or to conclude that reason exists to believe that any laws have been violated.

II. STATEMENT OF FACTS

SAIC is a FORTUNE 500® scientific, engineering, and technology applications company that uses its deep domain knowledge to solve problems of vital importance to the nation and the world in national security, energy and the environment, critical infrastructure, and health. The company's approximately 44,000 employees serve customers in the Department of Defense, the intelligence community, the U.S. Department of Homeland Security, other U.S. Government civil agencies and selected commercial markets. SAIC is the connected organization of the SAIC Inc. Voluntary Political Action Committee ("VPAC"), a separate segregated fund established in 1994 that is registered with, and reports to, the Commission. (Declaration of Amy S. Childers, ¶2, attached hereto as Exhibit A.) The VPAC is administered by SAIC's Assistant Vice President and Director for Policy and Political Programs, Amy Childers. (Id. at ¶1-2.)

In order to help ensure compliance with all applicable laws and regulations, the VPAC maintains a subscription to VOCUS, a web-based suite of relationship management and communication software applications. VOCUS's available applications include a Government Relations module, which, among other functions, allows organizations like the VPAC to create and maintain an online database of those individuals who are members of SAIC's "restricted class," as the term is defined by the Commission's regulations at 11 C.F.R. § 114.1(j) (2008). (Id. at ¶3.) To ensure that the VOCUS database listing the members of SAIC's "restricted class" is current and accurate, the database is populated through regularly-scheduled automated

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downloads from PeopleSoft, SAIC's Human Resources management software. Such downloads generally take place on a monthly basis, including during the week of April 21, 2008. (Id. at ¶4.)

Robert Rosenberg is a part-time employee of SAIC, with the employment classification of "Unscheduled Professional." (Declaration of Robert A. Rosenberg, ¶1, attached hereto as Exhibit B.) He joined SAIC in January 1988, having retired from the United States Air Force at the rank of Major General. (Id. at ¶2.) From January 1988 through October 2003, Mr. Rosenberg served in a variety of management positions within SAIC, most recently as Executive Vice President and General Manager for the National Capitol Region. (Id.) In October 2003, Mr. Rosenberg resigned from this position for health-related reasons, and has been in his current part-time role since. (Id.) Mr. Rosenberg exercises no management authority whatsoever, and does not control or influence decisions related to the hiring, compensation, promotion or termination of SAIC personnel. (Id. at ¶3.)

In March 2008, Mr. Rosenberg inquired with SAIC management regarding the legally permissible means by which he could communicate with select SAIC employees in support of the campaign of Gerald Connolly, a part-time SAIC employee who was seeking the Democratic Party's nomination for Virginia's Eleventh Congressional District. (Id. at ¶4.) After discussing the matter internally, and consulting with legal counsel, Ms. Childers and SAIC management determined it would be permissible for Mr. Rosenberg to send an e-mail in support of Mr. Connolly's campaign, provided that the e-mail was sent only to those employees who are a part of SAIC's "restricted class." (Id. at ¶4; Childers Declaration at ¶5.)

On May 14, 2008, Ms. Childers e-mailed Mr. Rosenberg a distribution list consisting of e-mail addresses for 137 members of SAIC's "restricted class," which she compiled using the VOCUS database. In compiling this list, Ms. Childers included only SAIC employees who were

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clearly within SAIC's "restricted class." Specifically, the list only included the e-mail addresses of SAIC "restricted class" members who held the corporate title of Assistant Vice President and whom lived or worked in Virginia's Eleventh Congressional District. (Childers Declaration at ¶7.)² SAIC made a conscious, deliberate effort to ensure that Mr. Rosenberg's May 14, 2008 e-mail would be sent only to members of SAIC's "restricted class," and that all applicable Commission regulations were followed in sending the e-mail. (*Id.* at ¶9.)

On the evening of May 14, Mr. Rosenberg sent an e-mail to those who were included on the distribution list sent to him by Ms. Childers, asking that they consider supporting Mr. Connolly and informing them of an upcoming fundraiser for him being hosted by the Professional Services Council ("May 14, 2008 e-mail"). (Rosenberg Declaration at ¶ 6; May 14, 2008 e-mail from Robert A. Rosenberg, attached hereto as Exhibit C.) The May 14, 2008 e-mail was sent by Mr. Rosenberg to the SAIC "restricted class" members on the list compiled by Ms. Childers, as well as to Ms. Childers herself and Jay Killeen, SAIC's Senior Vice President for Government Affairs. (Rosenberg Declaration at ¶ 6; May 14, 2008 e-mail.) Mr. Rosenberg did not send the May 14, 2008 e-mail to any other person. (Rosenberg Declaration at ¶ 6; May 14, 2008 e-mail.) No solicitations for contributions to the VPAC were made in the May 14, 2008 e-

² As discussed more fully in her declaration, this distribution list was actually the second that Ms. Childers sent Mr. Rosenberg. Two weeks earlier, she had forwarded to him an initial distribution list containing the e-mail addresses of (1) those SAIC managers who hold the rank of Senior Vice President or higher, and (2) those who hold the rank of Vice President or higher and also live or work in the Commonwealth of Virginia, State of Maryland or District of Columbia. (Childers Declaration at ¶ 6.) As with the second distribution list, Ms. Childers compiled this earlier distribution list using the VOCUS database, taking care to ensure it included only employees who are members of SAIC's "restricted class." (*Id.*) On May 1, 2008, Mr. Rosenberg sent an initial e-mail, virtually identical in every material respect to the May 14, 2008 e-mail that is the subject of the Complaint, to those included on the first distribution list. (Rosenberg Declaration at ¶ 5, and Exhibit 1 thereto.) Although not itself a target of Byrne's allegations, this earlier e-mail could be deemed within the bounds of relevance and it is mentioned here only to ensure the Commission has a full understanding of all the relevant facts.

mail, and the e-mail was in no way intended to be a solicitation for contributions to the VPAC. (Rosenberg Declaration at ¶ 7; May 14, 2008 e-mail; Childers Declaration at ¶ 8.)

Further, in sending the May 14, 2008 e-mail, Mr. Rosenberg in no way intended to coerce any recipient of the e-mail into supporting Mr. Connolly. (Rosenberg Declaration at ¶ 8.) In fact, because Mr. Rosenberg does not supervise any SAIC employees, and because he is not otherwise in a position to exercise any control or influence over the hiring, evaluation, promotion, compensation, discipline or termination of employees, even if Mr. Rosenberg wished to retaliate against a current SAIC employee for failing to do his bidding, or to benefit an employee in some manner, he simply would not be in a position to do so. (Id.; Declaration of Brian F. Keenan, ¶3, attached hereto as Exhibit D.)

III. ARGUMENT

A. ONLY MEMBERS OF SAIC'S "RESTRICTED CLASS" RECEIVED THE E-MAIL.

As the Commission is well aware, the scope of appropriate content in a corporate communication regarding a Federal election is determined by the audience for which the communication is intended. The Commission's regulations explicitly state that corporations "may make communications on any subject, including communications containing express advocacy, to their restricted class or any part of that class." 11 C.F.R. § 114.3(a)(1) (2008). Communications containing express advocacy which may be made to the "restricted class" include, but are not limited to, a corporation suggesting that members of its "restricted class" contribute to a candidate. 11 C.F.R. § 114.3(c)(2)(iii) (2008). Accordingly, it is only when a communication is made outside of a corporation's "restricted class" that express advocacy may result in a prohibited expenditure or contribution by the corporation.

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Similarly, a corporation "may endorse a candidate and may communicate the endorsement to its restricted class." 11 C.F.R. § 114.4(c)(6) (2008). It is only where an endorsement is communicated outside of a corporation's "restricted class" that certain prohibitions and limitations apply. (See id.)

The core allegation in the Complaint is that "upon information and belief" the SAIC Respondents sent the May 14, 2008 e-mail to persons outside of SAIC's "restricted class." (Complaint, 3-4.) The Complaint also assumes that the May 14, 2008 e-mail was an SAIC endorsement of Mr. Connolly. (Id.) Based on these two assumptions, Byrne alleges that SAIC violated 11 C.F.R. § 114.4(c) (2008) by distributing this purported "endorsement" outside of its "restricted class."

Because the May 14, 2008 e-mail was sent only to SAIC's "restricted class," and because SAIC is unquestionably allowed to distribute an endorsement to its "restricted class" pursuant to 11 C.F.R. § 114.4(c)(6) (2008), Byrne's claim is necessarily without merit, and the Complaint should be dismissed.³ As is stated above, the May 14, 2008 e-mail was sent by Mr. Rosenberg to 137 members of SAIC's "restricted class," as well as to Ms. Childers and Mr. Killeen. (Rosenberg Declaration at ¶ 6; May 14, 2008 e-mail.) Mr. Rosenberg did not send the May 14, 2008 e-mail to any other person. (Rosenberg Declaration at ¶ 6; May 14, 2008 e-mail.)

In compiling this e-mail list of 137 SAIC employees, Ms. Childers took great care to include only persons within SAIC's "restricted class," using a regularly updated VOCUS database. (Childers Declaration at ¶7.) In sum, SAIC made a conscious, deliberate effort to

³ Because it is irrelevant to the Commission's inquiry, SAIC will not undertake the analysis here of whether the May 14, 2008 e-mail constituted an SAIC "endorsement" of Mr. Connolly. For the record, however, it is not at all clear that this e-mail was actually an "endorsement" of Mr. Connolly by SAIC, and SAIC is available, and reserves the right, to fully detail why in the future if necessary or helpful to the Commission.

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ensure that Mr. Rosenberg's May 14, 2008 e-mail would be sent only to members of SAIC's "restricted class," and that all applicable Commission regulations were followed in sending the e-mail. (Id. at ¶9.)

The numerous allegations in the Complaint to the contrary are grounded in nothing but sheer speculation. Particularly notable, for example, is the claim that the May 14, 2008 e-mail was sent to recipients by blind carbon copy (or "bcc") in order to "deliberately conceal" its distribution to employees outside SAIC's "restricted class." (Complaint, 2, 4-5.) As Byrne's own representatives surely are aware, it is a standard practice by individuals in organizations of all types (including, of course, political campaigns) to truncate the address list for emails being sent to a large number of recipients either by using the "bcc" field or by assigning a proxy name to the extended list of individual email addresses. Mr. Rosenberg's use of this standard practice hardly gives rise to the inference of nefarious motive which Byrne seeks to assign it. Moreover, Byrne has not, and cannot, point to an FEC regulation requiring that all e-mails that are sent to a corporation's "restricted class" list every recipient of the e-mail outside of the e-mail's "bcc" field, as such a regulation would be absurd. The Complaint's other assertions that the May 14, 2008 e-mail was sent to individuals outside of SAIC's "restricted class" are similarly spurious and irrelevant.

As such, pursuant to long-established Commission regulations, SAIC had every right to distribute the May 14, 2008 e-mail to members of its "restricted class." Because the e-mail was sent only to members of SAIC's "restricted class," the Complaint must be dismissed.

B. THE E-MAIL WAS NOT COERCIVE AND NO SOLICITATION DISCLAIMER WAS REQUIRED BECAUSE THE E-MAIL DID NOT SEEK CONTRIBUTIONS TO THE VPAC.

Count I of the Complaint alleges that SAIC and/or Mr. Rosenberg, by way of the May 14, 2008 email, "coerced" SAIC employees to contribute to Mr. Connolly's campaign. (*Id.*, 2.) It is also alleged that the May 14, 2008 e-mail, which made absolutely no mention of contributions to the VPAC, nevertheless was a solicitation for contributions to the VPAC and thus required certain disclaimers. (*Id.*, 2-3.) Neither claim merits further investigation by the Commission.

Pursuant to 11 C.F.R. § 114.2(f) (2008), corporations are prohibited from facilitating the making of contributions to candidates or political committees. One example of prohibited facilitation is "[u]sing coercion, such as the threat of a detrimental job action, the threat of any other financial reprisal, or the threat of force, to urge any individual to make a contribution or engage in fundraising activities on behalf of a candidate or political committee." 11 C.F.R. § 114.2(f)(2)(iv) (2008).

Amazingly, the Complaint alleges that by simply *sending* the May 14, 2008 e-mail, SAIC and/or Mr. Rosenberg "coerced" members of SAIC's "restricted class" into making contributions to Mr. Connolly's campaign, as the term is defined by 11 C.F.R. § 114.2(f)(2)(iv) (2008). (Complaint, 2.) This claim is puzzling on numerous levels. First, the actual wording of the May 14, 2008 e-mail does not come close to reaching anything that could be defined as coercion. Rather, the e-mail contains such innocuous statements as: "I am writing to you today to ask that you consider" supporting Mr. Connolly; "if interested, I hope that you will also consider attending and showing your support for Gerry;" and "please consider supporting Gerry separately." (May 14, 2008 e-mail.) Mr. Rosenberg's language was entirely appropriate and

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certainly did not include threats of a detrimental job action, the threat of any other financial reprisal, or the threat of force.

Aside from the fact that no language used by Mr. Rosenberg in the May 14, 2008 e-mail was even remotely coercive, Byrne's allegations lack credibility because Mr. Rosenberg exercises *no management authority at SAIC whatsoever*, and does not control or influence decisions related to the hiring, compensation, promotion or termination of SAIC personnel. (Rosenberg Declaration at ¶3.) Thus, even if Mr. Rosenberg wished to retaliate against a current SAIC employee, or to benefit an employee in some manner, he simply would not be in a position to do so. (Keenan Declaration at ¶3.)

Given that the May 14, 2008 e-mail was clearly not coercive, and that Mr. Rosenberg could not coerce an SAIC employee even if he wished to (which of course he didn't), Byrnes's allegations to the contrary should be dismissed.

The allegations that the May 14, 2008 e-mail should have contained certain disclaimers are similarly meritless. Corporations must include certain disclaimers on communications to their "restricted class" only if the communications are solicitations for contributions to the corporation's separate segregated fund. See 11 C.F.R. § 114.5 (2008). There is no analogous disclaimer requirement when a communication is sent to a corporation's "restricted class" to inform them of a fundraising event for a candidate that is being held by an entity other than the corporation.

The May 14, 2008 e-mail was simply not a solicitation for a contribution to the VPAC. At no point in the e-mail did Mr. Rosenberg encourage, suggest or even reference contributions by "restricted class" members to the VPAC. (May 14, 2008 e-mail.) No solicitations for contributions to the VPAC were made in the May 14, 2008 e-mail, and the e-mail was in no way

intended to be a solicitation for contributions to the VPAC. (Rosenberg Declaration at ¶ 7; May 14, 2008 e-mail; Childers Declaration at ¶ 8.)

As such, it is nonsensical to suggest, as Byrne does, that SAIC was required to include disclaimers on the e-mail that are required only of solicitations for donations to a separate segregated fund. For the Commission to rule otherwise would be to create a new disclaimer requirement that can be found nowhere in the Commission's regulations.

IV. CONCLUSION

The Commission should not allow the complaint process to be abused in this manner. The SAIC Respondents have done absolutely nothing to violate FECA. Conversely, it is quite apparent that the SAIC Respondents took great steps to ensure that their activities were in compliance with Federal law. However, despite the fact that there is absolutely no evidence indicating that the SAIC Respondents have, or will, violate the Act, Byrne has seen fit to adopt false allegations and unsubstantiated "evidence" as the basis of its Complaint. The Commission should appropriately dismiss the Complaint against the SAIC Respondents and find no reason to believe that the SAIC Respondents have violated the Act or the regulations promulgated thereunder.

Moreover, as stated above, the allegations of the Byrne Complaint, verified under oath as being accurate by Byrnes Treasurer Bruce Neilson, are patently false on their face and presented solely in furtherance of a failed political ploy. The SAIC Respondents therefore respectfully request an Order from the Commission obligating Byrne to reimburse the SAIC Respondents their attorneys fees incurred in responding to the Complaint.

Respectfully Submitted,



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Washington, DC 20006

Telephone: (202) 496-7138

Designated counsel for Science Applications
International Corporation and Robert A. Rosenberg

**BEFORE THE
FEDERAL ELECTION COMMISSION**

LESLIE BYRNE FOR CONGRESS

v.

**ROBERT A. ROSENBERG, SCIENCE
APPLICATIONS INTERNATIONAL
CORPORATION & CONNOLLY FOR
CONGRESS.**

MUR No. 6022

DECLARATION OF AMY S. CHILDERS

I, Amy S. Childers, make the following statement to the Federal Election Commission ("FEC" or "Commission") in connection with the above-captioned matter:

1. I am an Assistant Vice President and the Director for Policy and Political Programs within the Government Affairs office of Science Applications International Corporation ("SAIC"). I have been employed by SAIC since August 2001. I have personal knowledge of the facts stated herein.

2. My duties at SAIC include helping to administer the SAIC Voluntary Political Action Committee ("VPAC"), which was established in 1994 and is funded through voluntary contributions from eligible employees, shareholders and directors. The purpose of the VPAC is to strengthen the political voice of SAIC employees who choose to support the VPAC.

3. In order to ensure compliance with all applicable laws and regulations, the VPAC maintains a subscription to VOCUS, a web-based suite of relationship management and communication software applications. VOCUS's available applications include a Government Relations module, which, among other functions, allows organizations like the VPAC to create and maintain an online database of those individuals who are members of SAIC's "restricted class," as the term is defined by the Commission's regulations at 11 CFR §114.1(j).

4. To ensure that the VOCUS database listing the members of SAIC's "restricted class" is current and accurate, the database is populated through regularly-scheduled automated downloads from PeopleSoft, SAIC's Human Resources management software. Such downloads generally take place on a monthly basis, including during the week of April 21, 2008.

5. In March 2008, I was informed that part-time SAIC employee Robert Rosenberg had inquired into the legally permissible means by which he could communicate with members of SAIC's "restricted class" to support the campaign of Gerald Connolly, a part-time SAIC employee who was seeking the Democratic Party's nomination for Virginia's Eleventh Congressional District. After discussing the matter internally, and consulting with legal counsel,

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we determined it would be permissible for Mr. Rosenberg to send an email to limited members of SAIC's "restricted class," asking that they consider supporting Mr. Connolly and informing them of an upcoming fundraiser for him being hosted by the Professional Services Council.

6. On May 1, 2008, I sent Mr. Rosenberg a distribution list consisting of email addresses for 250 employees, which I had compiled using the VOCUS database. In compiling this list, I took great care to include only employees who were clearly within SAIC's "restricted class." Specifically, the list only included email addresses of SAIC "restricted class" members who (1) hold a corporate title of Senior Vice President or higher, or (2) hold a corporate title of Vice President or higher and live or work in the Commonwealth of Virginia, State of Maryland or District of Columbia. That evening, Mr. Rosenberg sent an email to this limited list of SAIC "restricted class" members asking that they consider supporting Mr. Connolly. (See Exhibit 1.) In the e-mail, Mr. Rosenberg also informed these SAIC "restricted class" members of an upcoming fundraiser for Mr. Connolly hosted by the Professional Services Council.

7. On May 14, 2008, I sent Mr. Rosenberg a second distribution list consisting of email addresses for an additional 137 SAIC employees. As before, I compiled this list using the VOCUS database, and took great care to include only employees who were clearly within SAIC's "restricted class." Specifically, the list only included the e-mail addresses of SAIC "restricted class" members who hold the corporate title of Assistant Vice President and who live or work in Virginia's Eleventh Congressional District. That afternoon, Mr. Rosenberg sent to this limited list of SAIC "restricted class" members an email virtually identical to the one he had sent on May 1. (See Exhibit 2, also attached as Exhibit C to SAIC's Response to Complaint.)

8. No solicitations for contributions to the VPAC were made in Mr. Rosenberg's May 1 and May 14, 2008 e-mails, and the e-mails were in no way intended to be a solicitation for contributions to the VPAC. (See id.)

9. SAIC made a conscious, deliberate effort to ensure that Mr. Rosenberg's May 1 and May 14, 2008 emails would be sent only to members of SAIC's "restricted class," and that all applicable Commission regulations were followed in sending the e-mail. To the best of my knowledge and belief, neither of these e-mails was sent to any individuals outside of SAIC's "restricted class."

I declare under penalty of perjury that the foregoing is true and correct.


Amy S. Childers

Date: 7/22/08

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From: Rosenberg, Robert A.
To: Rosenberg, Robert A.;
Subject: Gerry Connolly...Rose Rosenberg's choice for Congress
Date: Thursday, May 01, 2008 9:27:23 PM

1 May 2008

Dear Fellow SAIC Teammates:

As your former National Capitol Region General Manager (now in semi-retirement following my cancer surgery six years ago and doing fine thank you), I miss the frequent contact I had with so many of you, but still follow the victories you have at SAIC with great admiration and good wishes for continued successes!

I am writing to you today to ask that you consider supporting one of our own, Gerry Connolly, a great leader, in his bid to represent both SAIC and the residents of Virginia's 11th district in the US House of Representatives. I am reaching out to you to tell you more about Gerry's campaign, to tell you why I feel he is the right person for this vital leadership position, and to bring your attention to an opportunity to help Gerry in his election.

Gerry joined us when I was your General Manager, has been with SAIC for over six years and currently serves as the Director of Community Relations in McLean. This is a natural fit for Gerry given his commitment to the Fairfax County community and public service in the National Capitol Region. In addition to his duties at SAIC, Gerry currently serves as Chairman of the Fairfax County Board of Supervisors.

Virginia's 11th district is home to SAIC's McLean campus and to many SAIC employees. Representative Tom Davis currently serves the district and has been a good friend to SAIC and our industry during his tenure in the US Congress. Representative Davis announced his retirement earlier this year and will be sorely missed. His departure creates a great void in the US Congress as he was one of the few Members that really understood issues related to government contracting and the intricacies often associated with our industry. Gerry Connolly, given his 20 years employment in and in depth understanding of our industry, is the only candidate running for this election who can step up and strongly help fill the void created by Tom Davis' departure. That, coupled with his strong sense of ethics, integrity, professionalism and high values makes Gerry one I genuinely admire and want to see serving our country in the Congress!

The Professional Services Council is hosting a fundraiser for Gerry on Wednesday,

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May 21st at 7:00 p.m. I fully support this event and hope that you will too. The event is being held at 7706 Carlton Place in McLean , VA, less than 10 minutes from SAIC's McLean Towers. A number of our colleagues from industry are expected to attend this event and if interested, I hope that you will also consider attending and showing your support for Gerry as he has supported SAIC. The suggested contribution for this event is \$500. You can RSVP to Roger Jordan at [redacted] or Jordan@pscouncil.org.

If you have any questions regarding my email please reply to me or send your query to the VPAC email address (vpac@saic.com)

If you are unable to attend the event on the 21st of May, please consider supporting Gerry separately, you can visit his website at <http://gerryconnolly.com/> or send contributions to Gerry Connolly for Congress 2008 at PO Box 563, Merrifield, VA 22116.

Lastly, please don't forget to vote. June 10th is Election Day in Virginia for the congressional primaries. Whether you live in the 11th District or elsewhere, please take the opportunity to exercise your right to vote on Election Day.

**Warmest Regards from your old "Mayor"
Rosie Rosenberg**

Get directions to the May 21st event: [Click Here](#).

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From: Rosenberg, Robert A.
Sent: Wednesday, May 14, 2008 4:45 PM
To: Rosenberg, Robert A.
Cc: Childers, Amy S.; Kileen, Jay
Subject: Gerry Connolly

14 May 2008

Dear Fellow SAIC Teammates:

As your former National Capital Region General Manager (now in semi-retirement following my cancer surgery six years ago and doing fine thank you), I miss the frequent contact I had with so many of you, but still follow the victories you have at SAIC with great admiration and good wishes for continued successes!

I am writing to you today to ask that you consider supporting one of our own, Gerry Connolly, a great leader, in his bid to represent both SAIC and the residents of Virginia's 11th district in the US House of Representatives. I am reaching out to you to tell you more about Gerry's campaign, to tell you why I feel he is the right person for this vital leadership position, and to bring your attention to an opportunity to help Gerry in his election.

Gerry joined us when I was your General Manager, has been with SAIC for over six years and currently serves as the Director of Community Relations in McLean. This is a natural fit for Gerry given his commitment to the Fairfax County community and public service in the National Capital Region. In addition to his duties at SAIC, Gerry currently serves as Chairman of the Fairfax County Board of Supervisors.

Virginia's 11th district is home to SAIC's McLean campus and to many SAIC employees. Representative Tom Davis currently serves the district and has been a good friend to SAIC and our industry during his tenure in the US Congress. Representative Davis announced his retirement earlier this year and will be sorely missed. His departure creates a great void in the US Congress as he was one of the few Members that really understood issues related to government contracting and the intricacies often associated with our industry. Gerry Connolly, given his 28 years employment in and in depth understanding of our industry, is the only candidate running for this election who can step up and strongly help fill the void created by Tom Davis' departure. That, coupled with his strong sense of ethics, integrity, professionalism and high values makes Gerry one I genuinely admire and want to see serving our country in the Congress!

The Professional Services Council is hosting a fundraiser for Gerry on Wednesday, May 21st at 7:00 p.m. I fully support this event and hope that you will too. The event is being held at 7706 Carlton Place in McLean, VA, less than 10 minutes from SAIC's McLean Towers. A number of our colleagues from industry are expected to attend this event and if interested, I hope that you will also consider attending and showing your support for Gerry as he has supported SAIC. The suggested contribution for this event is \$250. You can RSVP to Roger Jordan at rogerjordan@psacouncil.org.

If you have any questions regarding my email please reply to me or send your query to the VPAC email address (vpac@saic.com)

If you are unable to attend the event on the 21st of May, please consider supporting Gerry separately, you can visit his website at <http://gerryconnolly.com/> or send contributions to Gerry Connolly for Congress 2008 at PO Box 563, Merrifield, VA 22116.

Lastly, please don't forget to vote. June 10th is Election Day in Virginia for the congressional primaries. Whether you live in the 11th District or elsewhere, please take the opportunity to exercise your right to vote on Election Day.

5/16/2008

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01/21/2007 07:11 FAX

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Warmest Regards from your old "Mayor"
Rosa Rosenberg

Get directions to the May 21st event: [Click Here](#).

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5/16/2008

**BEFORE THE
FEDERAL ELECTION COMMISSION**

LESLIE BYRNE FOR CONGRESS

v.

**ROBERT A. ROSENBERG, SCIENCE
APPLICATIONS INTERNATIONAL
CORPORATION & CONNOLLY FOR
CONGRESS.**

MUR No. 6022

DECLARATION OF ROBERT A. ROSENBERG

I, Robert A. Rosenberg, make the following statement to the Federal Election Commission ("FEC" or "Commission") in connection with the above-captioned matter:

1. I am currently a part-time employee of Science Applications International Corporation ("SAIC"), with an employment classification of "Unscheduled Professional." I have personal knowledge of the facts stated herein.

2. I joined SAIC in January 1988, having retired from the United States Air Force at the rank of Major General. From January 1988 through October 2003, I served in a variety of management positions within SAIC, most recently as Executive Vice President and General Manager for the National Capitol Region. In October 2003, I resigned from this position for health-related reasons and assumed my current part-time status.

3. As a part-time SAIC employee, my current work is devoted primarily to supporting various Government-sponsored advisory boards that focus on military space policy, my area of professional expertise. I exercise no management authority whatsoever, and do not control or influence decisions related to the hiring, compensation, promotion or termination of SAIC personnel.

4. In March 2008, I inquired with SAIC management regarding the legally permissible means by which I could communicate with select SAIC employees in support of the campaign of Gerald Connolly, a part-time SAIC employee who was seeking the Democratic Party's nomination for Virginia's Eleventh Congressional District. In April 2008, I was advised by SAIC's counsel that an e-mail from me in support of Mr. Connolly's campaign was permitted, provided that it was sent only to those employees who are a part of SAIC's "restricted class."

5. Thereafter, Amy Childers, Assistant Vice President and the Director for Policy and Political Programs within the Government Affairs office of SAIC, sent me a draft of proposed text for an email inviting recipients to consider supporting Mr. Connolly and informing them of an upcoming fundraiser being sponsored by the Professional Services Council ("PSC"), a local

trade association. Ms. Childers also furnished a list of email addresses for employees to whom I could send this email, all of whom I understood were within SAIC's restricted class. I reviewed and revised the draft email, and on May 1, 2008 transmitted it to – and only to – the list of addressees Mr. Childers had provided. See Exhibit 1.

6. After sending this first email, I suggested to Ms. Childers and Mr. Killeen that I send a second email targeted more specifically to those eligible employees who reside in Virginia's Eleventh Congressional District. They agreed, and on May 14, 2008, Ms. Childers e-mailed me a distribution list consisting of e-mail addresses for 137 members of SAIC's "restricted class." That same day, I sent an e-mail to the "restricted class" members on the distribution list sent to me by Ms. Childers, asking that they consider supporting Mr. Connolly. (See Exhibit 2, also attached as Exhibit C to SAIC's Response to Complaint.) The e-mail attached hereto as Exhibit 2 was sent only to the SAIC "restricted class" members on the list compiled by Ms. Childers, and to Ms. Childers and Jay Killeen, the SAIC Vice President for Government Affairs, both of whom were copied to the e-mail. (See id.) I did not send the e-mail attached hereto as Exhibit 2 to any other person.

7. No solicitations for contributions to the SAIC Voluntary Political Action Committee ("VPAC") were made in this May 14, 2008 e-mail, and the e-mail was in no way intended to be a solicitation for contributions to the VPAC. (See id.).

8. In sending the May 14, 2008 e-mail, I in no way intended to coerce any recipient of the e-mail into supporting Mr. Connolly. Further, I have no means by which to assist or detract from an SAIC employee's career due to their support, opposition or indifference to Mr. Connolly's campaign.

I declare under penalty of perjury that the foregoing is true and correct.


Robert A. Rosenberg

Date: 20 July 2008

From: Rosenberg, Robert A.
To: Rosenberg, Robert A.;
Subject: Gerry Connolly...Rosie Rosenberg's choice for Congress
Date: Thursday, May 01, 2008 9:27:23 PM

1 May 2008

Dear Fellow SAIC Teammates:

As your former National Capitol Region General Manager (now in semi-retirement following my cancer surgery six years ago and doing fine thank you), I miss the frequent contact I had with so many of you, but still follow the victories you have at SAIC with great admiration and good wishes for continued successes!

I am writing to you today to ask that you consider supporting one of our own, Gerry Connolly, a great leader, in his bid to represent both SAIC and the residents of Virginia's 11th district in the US House of Representatives. I am reaching out to you to tell you more about Gerry's campaign, to tell you why I feel he is the right person for this vital leadership position, and to bring your attention to an opportunity to help Gerry in his election.

Gerry joined us when I was your General Manager, has been with SAIC for over six years and currently serves as the Director of Community Relations in McLean. This is a natural fit for Gerry given his commitment to the Fairfax County community and public service in the National Capitol Region. In addition to his duties at SAIC, Gerry currently serves as Chairman of the Fairfax County Board of Supervisors.

Virginia's 11th district is home to SAIC's McLean campus and to many SAIC employees. Representative Tom Davis currently serves the district and has been a good friend to SAIC and our industry during his tenure in the US Congress. Representative Davis announced his retirement earlier this year and will be sorely missed. His departure creates a great void in the US Congress as he was one of the few Members that really understood issues related to government contracting and the intricacies often associated with our industry. Gerry Connolly, given his 20 years employment in and in depth understanding of our industry, is the only candidate running for this election who can step up and strongly help fill the void created by Tom Davis' departure. That, coupled with his strong sense of ethics, integrity, professionalism and high values makes Gerry one I genuinely admire and want to see serving our country in the Congress!

The Professional Services Council is hosting a fundraiser for Gerry on Wednesday,

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May 21st at 7:00 p.m. I fully support this event and hope that you will too. The event is being held at 7706 Carlton Place in McLean , VA, less than 10 minutes from SAIC's McLean Towers. A number of our colleagues from industry are expected to attend this event and if interested, I hope that you will also consider attending and showing your support for Gerry as he has supported SAIC. The **suggested contribution for this event is \$500.** You can RSVP to Roger Jordan at _____ or Jordan@pscouncil.org.

If you have any questions regarding my email please reply to me or send your query to the VPAC email address (vpac@saic.com)

If you are unable to attend the event on the 21st of May, please consider supporting Gerry separately, you can visit his website at <http://gerryconnolly.com/> or send contributions to Gerry Connolly for Congress 2008 at PO Box 563, Merrifield, VA 22116.

Lastly, please don't forget to vote. June 10th is Election Day in Virginia for the congressional primaries. Whether you live in the 11th District or elsewhere, please take the opportunity to exercise your right to vote on Election Day.

**Warmest Regards from your old "Mayor"
Rosie Rosenberg**

Get directions to the May 21st event: [Click Here](#).

From: Rosenberg, Robert A.
Sent: Wednesday, May 14, 2008 4:45 PM
To: Rosenberg, Robert A.
Cc: Childers, Amy S.; Kileen, Jay
Subject: Gerry Connolly

14 May 2008

Dear Fellow SAIC Teammates:

As your former National Capitol Region General Manager (now in semi-retirement following my cancer surgery six years ago and doing fine thank you), I miss the frequent contact I had with so many of you, but still follow the victories you have at SAIC with great admiration and good wishes for continued successes!

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The Professional Services Council is hosting a fundraiser for Gerry on Wednesday, May 21st at 7:00 p.m. I fully support this event and hope that you will too. The event is being held at 7706 Carlton Place in McLean, VA, less than 10 minutes from SAIC's McLean Towers. A number of our colleagues from industry are expected to attend this event and if interested, I hope that you will also consider attending and showing your support for Gerry as he has supported SAIC. The suggested contribution for this event is \$250. You can RSVP to Roger Jordan at rogerjordan@psacouncil.org.

If you have any questions regarding my email please reply to me or send your query to the VPAC email address (vpac@saic.com)

If you are unable to attend the event on the 21st of May, please consider supporting Gerry separately, you can visit his website at <http://gerryconnolly.com/> or send contributions to Gerry Connolly for Congress 2008 at PO Box 563, Merrifield, VA 22116.

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Warmest Regards from your old "Mayor"
Rosa Rosenberg

Get directions to the May 21st event: [Click Here](#).

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3/16/2008

From: Rosenberg, Robert A.
Sent: Wednesday, May 14, 2008 4:45 PM
To: Rosenberg, Robert A.
Cc: Childers, Amy S.; Kileen, Jay
Subject: Gerry Connolly

14 May 2008

Dear Fellow SAIC Teammates:

As your former National Capital Region General Manager (now in semi-retirement following my cancer surgery six years ago and doing fine thank you), I miss the frequent contact I had with so many of you, but still follow the victories you have at SAIC with great admiration and good wishes for continued successes!

I am writing to you today to ask that you consider supporting one of our own, Gerry Connolly, a great leader, in his bid to represent both SAIC and the residents of Virginia's 11th district in the US House of Representatives. I am reaching out to you to tell you more about Gerry's campaign, to tell you why I feel he is the right person for this vital leadership position, and to bring your attention to an opportunity to help Gerry in his election.

Gerry joined us when I was your General Manager, has been with SAIC for over six years and currently serves as the Director of Community Relations in McLean. This is a natural fit for Gerry given his commitment to the Fairfax County community and public service in the National Capital Region. In addition to his duties at SAIC, Gerry currently serves as Chairman of the Fairfax County Board of Supervisors.

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If you have any questions regarding my email please reply to me or send your query to the VPAC email address (vpac@saic.com)

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5/16/2008

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Warmest Regards from your old "Mayor"
Rosie Rosenberg

Get directions to the May 21st event: [Click Here](#).

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3/16/2008

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**BEFORE THE
FEDERAL ELECTION COMMISSION**

LESLIE BYRNE FOR CONGRESS

v.

**ROBERT A. ROSENBERG, SCIENCE
APPLICATIONS INTERNATIONAL
CORPORATION & CONNOLLY FOR
CONGRESS.**

MUR No. 6022

DECLARATION OF BRIAN F. KEENAN

I, Brian F. Keenan, make the following statement to the Federal Election Commission in connection with the above-captioned matter:

1. I am the Executive Vice President for Human Resources at Science Applications International Corporation ("SAIC"), and oversee all aspects of the company's employment policies and practices. I have personal knowledge of the facts stated herein.

2. I am personally acquainted with Robert A. ("Rosie") Rosenberg, and I also have reviewed his official personnel file in connection with preparing this declaration. Mr. Rosenberg resigned his position as an officer and senior manager of the company over five and a half years ago, in October 2003, at which time his employment status changed to that of an "Unscheduled Professional." At SAIC, an Unscheduled Professional is an employee who performs the duties of a salaried employee, who works less than full-time and whose total work hours may vary from week to week but must average no less than 12 hours and no more than 30 hours per week during any 12 month period. Unscheduled Professionals are paid on an hourly basis and are entitled to a limited package of benefits.

3. In his current position, Mr. Rosenberg has no management responsibilities at SAIC. More specifically, he has no ability to direct, control or influence the discretionary expenditure of corporate funds or the allocation of other corporate resources. He plays no role in establishing, implementing or enforcing the policies and practices of the company. And finally, he does not supervise any SAIC employees, nor is he otherwise in a position to exercise any control or influence over the hiring, evaluation, promotion, compensation, discipline or termination of employees. Based on the foregoing, if Mr. Rosenberg for whatever reason wished to retaliate against a current SAIC employee, or to benefit an employee in some manner, he simply would not be in a position to do so.

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I declare under penalty of perjury that the foregoing is true and correct.



Brian F. Keenan

Date: 7/23/08